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DIVISION 7 SUPPLEMENTAL USE REGULATIONS

(Chris Looney, Index) - **C** - *Reformat Table of Contents to provide for Div 8 Authorized Special Exceptions.*

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DIVISION 8 Authorized Special Exceptions

(Chris Looney, Page 3-322) - **C** - *Create new Div 8 Authorized Special Exceptions*

DIVISION 8 Authorized Special Exceptions

Special Exception may be granted for the following used subject the conditions specified. The granting of the special exceptions may be revoked if the conditions specified for each special exception are not maintained at all times.

35-399.01 One Operator Beauty shops and Barbershops.

35-399.02 Parking Lots (Noncommercial)

35-399.03 Relocation of Building and Structures

35-104 Applicability

(VIA, Page 1-4) – **S** - *Addition of VIA to entities exempt from zoning provisions of UDC.*

(b) Public Buildings, Structures and Uses

In the erection of buildings or other structures, city owned utilities are to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the zoning district in which they are erected. The provisions of this chapter shall not apply to buildings of county, state, or federal agencies, except for those cases in which the land is not owned by the county, state, or federal agency.

The provisions of this chapter shall apply to any buildings, structures, or uses of the city or its agencies or instrumentalities including, but not limited to, the department of public works, San Antonio Water System (SAWS) and (City Public Service Engery (CPS Energy). The VIA Metropolitan Transit and the Advanced Transportation District shall be exempt from the zoning provisions of this chapter.

In addition the UDC shall be amended so that the terms City Public Service, City Public Service Board, CPS and/or CPSB shall be changed throughout Chapter 35 to City Public Service Energy or CPS Energy as correspond with the utility's name change.

(Note: The Development Service Department does not support granting a blanket exemption from zoning requirements due to potential adverse impact on residential communities.

DSD recommends and supports as an alternative placing the uses of Bus Shelters & Bus Stops as a permitted use in all residential and non-residential zoning districts while Transit Centers, Transit Park & Rides, Transit Transfer Centers, Transit Stations would be permitted by right in all non-residential zoning districts, permitted by specific use permit in multi-family zoning districts and not allowed in single family zoning districts.)

35-111 Annual Updates for Amendments

(Bill Telford, Page 1-8) - **S** – *Amend the starting date for the annual UDC update program.*

The purpose of this section is to provide for annual updates to this chapter in order to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and to update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design.

- (a) No later than May 1st of each year, any person may provide a request for amendment to this chapter to the director of development services. The request for amendment shall be labeled an "annual update request" and shall include a summary of the proposed changes, the reason for the proposed changes, and suggested text amendments.

35-310.01 Generally

(John Jacks, Page 3-17) - **C** - Amendment of Lot Building Dimensions Table.

Table 310-1
Lot and Building Dimensions Table

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)
Zoning District	LOT DIMENSIONS						BLDG ON LOT				BUILDING		
	Lot Size (min)	Lot Size (max)	Density (max) (units/acre)	Street Frontage (min)	Width (min)	Width (max)	Front Setback (min) * * * *	Front Setback (max)	Side Setback (min)	Rear Setback (min)	Height (max)	Size - Individual Building Size (max)	Size - Aggregate Building Size (max)
R-3¹	3,000 ⁷		15	20	20	----	10	35	5	10	35/ 3	70% of lot area	----
RM-6¹	6,000		7	15	15	150	10	—	5	20	35 / 2- ½	—	—
RM-5¹	5,000		9	15	15	100	10	—	5	10	35 / 2- ½	—	—
RM-4¹	4,000		11	15	15	80	10	—	5	10	35 / 2- ½	—	—
MF-25¹	—		25	50	50	—	—	20 ^{3, 4, 6}	5	10	35	—	—
MF-33¹	—		33	50	50	—	—	20 ^{3, 4, 6}	5	10	45	—	—
MF-40¹	—		40	50	50	—	—	20 ^{3, 46}	5	10	60	—	—
MF-50¹	—		50	50	50	—	—	20 ^{3, 4, 6}	5	10	—	—	—

.....

column (H) & (I) The front setback shall be measured from the front lot line. The Principal Building or Principal Structure shall not be located closer to the front lot line than the distance established in column (H). The front façade of the Principal Building or Principal Structure shall not be located further from the front lot line than the distance established in column (I). For Townhouse and Attached Single-Family, the minimum front setback shall be twenty (20) feet unless all off-street parking is located in the rear of the Principal Building and the lot abuts an alley or driveway with a minimum width of 24 feet. Additional setbacks are required for height increases as set forth in § 35-517(d).

column (J): The side setback requirements in the RM-6, RM-5, RM-4 and R-3

districts may be reduced in accordance with Section 35-373 of this Article.
Additional setbacks are required for height increases as set forth in § 35-517(d).

Note (2) - columns (J) & (K): Applies only to the setback area measured from a lot line which abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district or the two districts are separated by a public right-of-way.

35-310.05a "R-3" Single-Family Residential District

Planning Commission (Bill Telford, Page 3-25) - **S** - *Addition of a 30 acre maximum limit on "R-3" subdivisions*

(a) Purpose

The "R-3" (Residential Single Family) zoning district is designed to provide options for developing dwelling units for specialized housing markets such as the affordable housing market, starter homes, and empty nester homes on small lots. This district will provide areas for high-density, single-family residential uses where adequate public facilities and services exist, prevent the overcrowding of land, and facilitate the adequate provision of transportation. The "R-3" (Residential Single Family) zoning district is designed to be in close proximity to schools, public parks, and open space serving the site. "R3" zoning districts are inappropriate for "enclave subdivisions" and are not permitted.

"R-3" subdivision shall be limited to a maximum size of 30 acres including lots, street R.O.W., easements and open space.

35-311 Use Regulations (Residential)

(John Jacks, Page 3-111) - **M** - *Addition of new uses and clarification of old uses in the residential use matrix.*

311-1 Residential Use Matrix

TABLE 311-1 RESIDENTIAL USE MATRIX																			
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LBCS STRUCTURE
Automobile Noncommercial Parking													P	P	P	P	S	2110	

TABLE 311-1 RESIDENTIAL USE MATRIX																		
PERMITTED USE	RP	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION
Automobile Commercial Parking	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Dwelling - 2 Family								P		P		P	P	P	P	P	P	1000
																		1121

**Table 311-1a
Residential use Matrix**

	Urban	Rural	Farm & Ranch	Mixed Industrial
PERMITTED USE				
Automobile Noncommercial Parking	S			
Automobile Commercial Parking	S			

35-311 Use Regulations (Non-Residential)

(John Jacks, Page 3-116) - **M** - Addition of new uses and clarification of old uses in the non-residential use matrix.

311-2 Non-Residential Use Matrix

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Alcohol	Alcohol – Wine Boutique					P	P	P	P			P	
Alcohol	Alcohol - Winery With Bottling						P		P				
Auto	Parking And/Or Storage - Long Term								P	P	P	NA	
Auto	Parking Lot – Noncommercial	P	P		S	P	P	P	P	P	P	NA	2100
Auto	Parking Lot - Commercial	S	P	S	S	P	P	P	P	P	P	NA	2110
Auto	Parking Garage- Commercial or Noncommercial	S	P			P	P	P	P	P	P	S	
Dwelling	Attached single family units (townhome & rowhouses)							P					
Office	Office – no restrictions on square footage unless otherwise prescribed in zoning district regulations, §§ 35-310.01 to 35-310.14, above. Offices over 10,000 sq ft may be allowed by granting of a Specific Use Authorization in O-1	P	P		P	P	P	P	P	P		P	2400
Recreation	Fitness Center/Health Club		S	P	P	P	P	P	P	P		P	
Recreation	Gymnasium - Commercial					S	P	P	P	P		P	
School	Business or Commercial Trade		P				P	P	P			P	6142
School	–Vocational Trade (No Outside Storage & Training Area						P	P				S	6140

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
permitted)												
School – Vocational Trade (Outside Storage & Training Area permitted)								P	P	P	S	6140
Service Caterers (no on premise food services)				P	P	P	P	P	P			
Service Food service establishment– Restaurant, Cafeteria, Delicatessen, Ice cream parlor, buffet, bar-b-que, (with or without ancillary catering services)		P	P	P	P	P	P	P	P		P	2150
Service Food, Mobile Vending (base operations)								P	P	P	S	

35-344 “PUD” Planned Unit Development District
(Staff, page 3-221) - **M** - Addition of “R-3” use and density to table.

(c) Permitted Uses and Density

(2) Density Table.

The PUD Plan shall divide the PUD into land use categories and shall indicate the uses permitted in each category. For residential land use categories, the maximum number of dwelling units permitted per acre for each land use category is as follows:

Land use Category	Maximum Density
RE	1
R-20	2
R-6	5
RM-6	5
R-5	6
RM-5	6
R-4	7
RM-4	7
R-3	10
“MF-25”	25
“MF-33”	33
“MF-40”	40
“MF-50”	50

35-373 Attached Dwellings (Duplexes, Rowhouses, and Townhouses, Zero-Lot Line, Cottages, and Housing for Older Persons

(John Jacks, Page 3-277) - **C** - *Clarification of zero side yard development in single family housing.*

(a) Applicability

The provisions of this section apply to any single-family attached dwelling, duplex, rowhouse, townhouse, zero-lot line house, cottage, or housing facility for older persons.

(b) Townhouse or Rowhouse Development

- (1) No front yard or side yard is required.
- (2) A rear yard setback shall not be required when the townhouse lot abuts an alley or driveway having a minimum right-of-way width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development.
- (3) On townhouse lots that do not abut, at the rear, an alley or driveway having a minimum width of twenty-four (24) feet, a twelve foot rear yard setback shall be required. At least six hundred (600) square feet of contiguous open area shall be provided behind the front setback. The "contiguous open area" may consist of lawns and/or landscaped areas, but shall not include parking, driveways, or other impervious surfaces other than walkways from the front entrance to the street or parking areas.
- (4) The minimum lot depth shall be eighty (80) feet.
- (5) Attached dwelling units shall not be subject to the minimum lot size.
- (6) Except in the "TOD" district, no townhouse development shall exceed a density of more than twenty (20) units per gross acre.
- (7) The total dwelling units in any single townhouse structure shall not exceed ten (10) nor be less than two (2).

(c) Zero Lot Line Development

Purpose

The purpose of the zero lot line regulations is to provide for single-family attached or detached residential structures with one zero side setback area. The intent is to allow a single family structure to be placed on a side lot line in order to provide a more usable side yard on the other side.

- (1) Zero Lot Line Development shall comply with 310-1 of this Article with the exception of the minimum side setbacks in Column (J).
- (2) A zero lot line may only be located on an interior side property line.
- (3) The zero lot line for each lot shall be denoted on the subdivision plat.
- (4) For zero lot line subdivisions, a minimum five (5) foot wide maintenance easement shall be provided through deed restrictions on the lot adjacent to the zero lot line. This easement shall be kept free of permanent obstructions such as tool sheds or fences without a gate. When filing an application for a building permit for a zero lot line

development, the subdivider shall provide the city with two (2) copies of deed restrictions establishing the maintenance easements. One (1) copy of these deed restrictions shall be recorded by the applicant prior to issuance of the building permit. Along with the required building permit filing fees, an additional fee shall be provided by the subdivider to cover the recording costs of these deed restrictions.

The following notation shall appear on the plat:

- " _____ foot wide maintenance easements are established within the lots adjacent to all nonattached zero lot lines. Such easements shall extend for the depth of the lot and are included in the deed restrictions for all affected properties."
- (5) Dwelling units shall be constructed on the zero lot line on one side of the lot and a side setback shall be provided on the other side of the said lot subject to the following conditions:
- A. The minimum width of the side setback opposite the zero lot line shall be ten, (10) feet.
 - B. A zero setback shall not be permitted when the zero lot line abuts a non-zero lot line development, in which case, a minimum side setback of 5 feet shall be required.
 - C. There shall be no openings in any exterior wall located upon or oriented towards the zero side yard of the subject property. Exception: an alcove or atrium with doors or windows may be recessed into the dwelling structure if such recessed area is separated from the zero side yard by means of a solid wall not less than eight feet in height. Said wall shall be constructed of the same material as exterior walls of the unit.
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35-399.01 Beauty Shops and Barber Shops

(Chris Looney, Page 3-285) - **M** - *Increase of permit duration from 2 years to 4 years.*

- (i) Granting of the permit for a beauty shop or barber shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years for the initial application, and not to exceed four (4) years for any subsequent application, and only after notice and hearings as provided in this chapter for appeals to the board of adjustment. To qualify as a subsequent application, the permit must be applied for prior to the expiration of the previous permit
-
-

35-399.02 Parking Lots (Noncommercial)

(Chris Looney, Page 3-302) - **C** - *Clarification that non-commercial parking lots require a special exception.*

Surface parking lots for nonresidential uses may be permitted in residential zoning districts subject to the conditions listed below:

Special Exception Required

Notwithstanding any provision of this chapter to the contrary, the construction of any Parking Lot which involves the replacement, demolition, or destruction of a dwelling unit shall not be undertaken unless and until a special exception is approved by the board of adjustment. All other parking lots shall be permitted as designated in the Use Matrix.

(d) General Requirements

The following provisions are required regardless of whether a special exception is required pursuant to subsection (a) or the use matrix (Tables [311-1](#) and [311-2](#)):

- (6)** No advertising signs shall be permitted on the parking lot other than signs indicating the owner or lessee of the lot and providing parking instructions. Sign lettering shall be limited to a maximum height of six (6) inches.
- (7)** With the exception of required buffers, landscaping and primary egress and ingress entry drives, no parking spaces or drives of the parking lot shall encroach within the front setback. The parking lot shall maintain a minimum setback of ten (10) feet along all other perimeters adjacent to public streets or residential zones. The board of adjustment may vary the setbacks as necessary to protect the residential neighborhood. Barriers shall be installed to prevent parking within the required setback areas.

- (8)** Parking lot driveways shall be located so as to minimize interference with residential traffic. If a parking lot abuts two streets of different classifications (e.g., collector versus local street), access shall be restricted to the street with the higher classification.
- (10)** Landscaping. All required front, side, and rear setback areas shall be landscaped and attractively maintained. The minimum plant requirements per one hundred (100) linear feet of setback area shall include two (2) canopy trees, four (4) understory trees, and twenty (20) shrubs. In addition the setback areas shall be planted with lawn or evergreen ground cover. Plant requirements shall be applied proportionally to setback areas of less than one hundred (100) feet in length. Existing plants which meet the plant criteria may be counted toward satisfying the landscape requirement. In addition to the setback areas, an additional ten (10) square feet of landscaped area shall be provided and maintained for each parking space over twenty-five (25) spaces. This additional landscaped area shall be distributed in islands and medians throughout the interior of the parking lot and shall be protected with barriers to prevent damage from vehicles. Required landscaped areas shall be provided with either an underground irrigation system or a water connection within one hundred fifty (150) feet of all landscaping. Should the landscaping provisions of this paragraph conflict with any other landscape provisions of the UDC, the more restrictive of the regulations shall apply.

- (11)** In addition to required landscaping and buffers, the parking lot shall be provided with a masonry wall ("masonry" for the purpose of this section is defined as brick, rock, stucco, concrete block, poured concrete wall, precast concrete wall, precast masonry units or combination of the foregoing) or other adequate screening not less than three (3) feet nor more than six (6) feet in height at all lot lines fronting upon or adjoining a residential district. However, the board of adjustment may require such masonry wall or other adequate screening at points other than the property line if it determines such location provides more protection to the

neighborhood. The screening or masonry wall shall in all cases surround the parking lot. On a corner lot, the wall or screening shall be erected in back of the area designated by this chapter for corner visibility. Wheel guards shall be installed and maintained above ground at all such walls or screening to prevent vehicles from making contact with the walls or screening.

- (12) Application for a noncommercial parking lot shall be filed by the owner, lessee, or authorized agent with the development services department. The application shall be accompanied by a site plan drawn to scale depicting the parking lot layout, proposed driveways, and all construction materials and landscaping.
- (13) Granting of a special exception for a noncommercial parking lot shall be for a definite period of time not to exceed four (4) years, and only after notice and a public hearing as provided in this article for appeals to the board of adjustment. In granting a special exception, the board of adjustment may require the noncommercial parking lot to conform to such other conditions as the board may deem necessary to protect the character of the zoning district in which the lot is located.
- (14) Prior to actual use of a noncommercial parking lot, the owner or lessee shall obtain a certificate of occupancy from the development services department to verify compliance with the conditions of the special exception. If a certificate of occupancy is not secured within six (6) months of the date of approval, the special exception shall be null and void and have no force or effect.
- (15) Noncommercial parking lots located in a historic district or landmark site shall conform to the regulations of Division 10, of this article and shall require approval of the parking lot plan from the board of review for historic districts and landmarks prior to construction.

35-399.03 Relocation of Buildings and Structures

(Chris Looney, Page 3-310) - **C** - *Clarification that relocation of existing building requires a special exception permit.*

Notwithstanding any provision of this chapter to the contrary, the relocation of any building or structure shall not be undertaken unless and until a special exception is approved by the board of adjustment.

- (a) To be granted a request for a special exception to move or relocate a building or structure the request must meet the conditions set forth in section 35-482 (h) of this chapter.
- (b) The relocation of any building and/or structure, is subject to the following conditions:
 - (1) Each house must be comparable in size and quality of construction and in condition to the average of the other homes in the area.
 - (2) The applicant shall comply with Article VI (historic preservation and urban design) of this chapter and with all other applicable codes and ordinances.
 - (3) The use shall comply to such other conditions, as the board may deem proper in harmony with section 801(g) of this chapter.

- (4) Permits may be granted under this subsection for buildings, which the city's historic and design review commission has found to have historic and /or architectural significance and where said commission has made a favorable recommendation as to the relocation site. Such exception shall contain appropriate conditions as to repairs to be made. Provision of other codes of the city or of other chapters of this code shall not be waived.

35-481 Appeals to Board of Adjustment

(Chris Looney, Page 4-122 – M – *Deletion to conform with amendment of Table 311 Residential Use Matrix above.*

(b) Initiation

(2) Special Exceptions

B. ****
C. ****
D. ****
E. ****
F. ****
G. ****
H. ****
I. ****
J. ****
K. ****
L. ****
M. ****
N. ****
O. ****

35-482 Zoning Variances

(Chris Looney, Page 4-130) - **C** - *Clarification of five conditions considered for special exceptions.*

(h) Special Exceptions

The zoning board of adjustment must find that a request for a special exception meets each of the five following conditions.

- A. The special exception will be in harmony with the spirit and purpose of the chapter.
- B. The public welfare and convenience will be substantially served.

- C. The neighboring property will not be substantially injured by such proposed use.
- D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.
- E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The above findings of the board shall be incorporated into the official minutes of the board meeting in which the special exception is authorized.

35-514 Fences and Walls

(Chris Looney, Page 5-146) - **C** - *Clarification of fence heights in front yards.*

(c) Height Limitation

- (1) No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard (that area which lies between the front lot line and that of the nearest principal structure) to exceed a height of four (4) feet with the fence or wall to be so constructed that vision will not be obscured above a height of three (3) feet. Except as provided in subsection (2), below, no fence or wall, other than the wall of a permitted structure, shall be erected or altered in any side or rear yard to exceed a height of six (6) feet. This subsection shall not apply to fences erected as required by Chapter 16, Article VII of this Code (Salvage Yards and Auto Dismantlers), or in § 35-510 of this chapter.

35-515 Lot Layout Regulations

(John Jacks, Page 5-153) - **M** - *Clarification of maximum front setback line on flag lots.*

(h) Flag Lots

- (2) The minimum driveway width shall be nine (9) feet.
- (3) Notwithstanding the provisions above, access to not more than four (4) lots may be provided by a shared driveway.
- (4) The minimum frontage at the right-of-way line for any flag lot shall be equal to the minimum required driveway width plus 4 feet. The flag pole portion of the lot shall not be considered in determining the area of the lot.
- (5) On flag lots the maximum front setback line shall be measured from the nearest point at which the lot meets the minimum width (as required in Table 35-310-1) parallel to the street on which the lot fronts.

35-516 Setback and Frontage Regulations

(Chris Looney, Page 5-155) - **C** - *Redefining small lot to better fit with the recently adopted "R-3" zoning district.*

(f) *Dwelling on Small Lot (See Section 35-701(c) Non-conforming Lots of Record*

(g) Garages and Carports

There shall be a minimum of twenty (20) feet between the back of a sidewalk or the property line and a front entry garage or carport.

Appendix "A"

(John Jacks, Page 5-187) - **C** - *Addition and deletion of additional terms to clarify use and understanding of the provisions of the UDC.*

Adjacent - Two properties, lots or parcels are "adjacent" where they abut, or where they are separated by a roadway or street, right-of-way, or railroad line, or any stream, river, canal, lake, or other body of water **or floodplain**.

Athletic field - A sports playing field, the essential feature of which is turf grass, used primarily for organized sports for public or private schools, professional sports, or sanctioned league play, **and for the use in 35-523(e)(10) an athletic field would be on a site for a private or public school in association with youth sports.**

Bus Shelter - A roofed structure locate on or adjacent to the right-of-way of a street, and which is designed and used primarily for the weather protection and convenience of waiting bus passengers.

Bus Stop - A fixed location where passengers board and alight usually identified by a sign.

C of O – A certificate of occupancy issued by the San Antonio Development Service Department.

Caterer - An establishment that either stands alone or is part of another food service establishment which, by prior arrangement, prepares food, provides transportation for the food and serves the food, or sets up a buffet for self-service.

Contractor Facility – A office of an entity or individual that provides construction and or repair facilities and includes one or more of the following: outside or interior storage of equipment, tools,

construction materials, salvaged construction materials, heavy equipment, truck or van fleets of 3 or more vehicles or similar items.

Dwelling, Single-Family Attached (Townhouse or Rowhouse) – A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a fire wall (constructed in accordance with city codes and ordinances), along the dividing lot line, and each such building being separated from any other building by space on all sides. Each unit maintains a separate lot.

Dwelling, Single-Family Detached - A one-family dwelling that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Three-Family (triplex) - A detached house (on a platted single lot) designed for and occupied exclusively as the residence of not more than three (3) families, each living as an independent housekeeping unit.

Dwelling, Two-Family (duplex) - A detached house (on a platted single lot) designed for and occupied exclusively as the residence of not more than two (2) families, each living as an independent housekeeping unit.

Fitness Center/Health Club - A place of business with equipment and facilities for exercising and improving physical fitness, open to its members and guests or to the public for a fee.

Gymnasium - A place, hall, building for gymnastics.

Heavy Equipment – Self-powered, self-propelled or towed mechanical devices, equipment and vehicles of the nature customarily for use in agriculture, mining, industry, business, transportation, building or construction such as tandem axle trucks, backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes forklifts, or similar like equipment.

Invasive Species - Include chinaberry, Chinese Tallow, Tree of Heaven, Chinese Pistache, Ligustrum, Golden Raintree and Tamarisk will not be protected and can be removed without penalty or mitigation.

Mobile Food Vending - A food service establishment mounted on a vehicle; for purposes of this definition a vehicle shall mean every device in, upon, or by which any food is or may be transported, pushed or drawn.

Mobile Food Vending, base of operation – The location where a mobile food vending vehicle originates, and is returned for cleaning, storing or stocking.

Office, - A structure or portion of a structure used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, including such activities as providing day-to-day office administrative services, financial management, billing, record keeping, personnel administration and logistics and which that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Re-growth is the growth initiated due to previous cutting activities of a tree(s) and now has more than 3 trunks coming from the trunk above ground level and each trunk has a diameter of less than 1". Re-growth trees of such criteria are not protected.

Food Service Establishment - Shall include every restaurant, cafe, cafeteria, coffee shop, sandwich shop, snack bar, supper club, soda fountain, soft drink or ice cream parlor, luncheonette, or other similar establishment, which offers food or beverages for purchase and consumption on or off the premises.

School, Business or Commercial Trade - A profit or not for profit entity , providing instruction and training in a office, clerical, managerial, sales, information technology, administrative skills or trades such as beauty school, barber college, beautician school.

School, Vocational (technical, construction or industrial trades) - A profit or not for profit entity providing instruction and training in a skilled trade such as mechanics, carpentry, plumbing, service, construction, industrial or other skill related to assembling, processing, manufacturing, repair, etc.

Short-lived Species - Include all Hackberry (all species), Cottonwood, Ash (all species) Mulberry (all species) and Catalpa.

Transit Center (public operated system)– A fixed location where passengers interchange from one route or vehicle to another that has significant infrastructure such as a waiting room, seating, restrooms, sales outlet, ticket or pass vending machines and/or waiting areas for passenger pick-ups.

Transit Park-and-Ride Facility (public operated system) – A facility used for parking by transit riders, while they use transit agency services. Park-and-ride facilities are generally established as collector sites for transit service. Park-and-ride facilities may also serve as collector sites for vanpools and carpools, and as transit centers. The facility may have limited passenger amenities such as shelters, seating and posted route/schedule information.

Transit Transfer Center (public operated system)– A fixed location where passengers interchange from on route or vehicle to another. The amenities at this facility would include but not be limited to shelters, seating, lighting and posted route/schedule information.

Tree Stand Delineation - An optional alternative method for the "on-the-ground" tree survey and inventory required for the tree preservation plan using a current aerial photograph (a minimum resolution of 6 inch pixels) with an overlay of the development. The area shall have at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a continuous canopy and shall include areas with a continuous canopy of trees over an area of at least twenty thousand (20,000) square feet, and may be delineated through an aerial photograph. An area of contiguous wooded vegetation shall include both understory and protected trees. An outline of the tree area(s) and the portion of that area (the tree save areas with the associated understory) that are to be preserved to meet the requirements as per the Tree Preservation standards in Section 35-523.

Wine Boutique – A retail outlet for bottled wines including custom bottled wines and labels on site for the consumer using wine concentrates as opposed to crushing and processing grapes on site.

Appendix "D"

(Bill Kaufman, RID – 038, Page D-3) - **S** - *Clarification and expansion of provision to recognize multi family use as provided in 1938 code at time of conversion.*

(d) Apartments in former commercial zoning districts

Notwithstanding any provision of this Chapter to the contrary, multifamily dwellings developed at 33 units or less per acre are a permitted use for any tract or parcel zoned under the 1938 districts as "F", "G", & "GG", or the 1965 districts as "B-1," "B-2," or "B-2NA" prior to the adoption date of this Chapter so long as such tract is not the subject of rezoning in accordance with the provisions of this Chapter and remain within the "C-1," "C-2" or "C-2NA" zoning districts.

35-D101 General

(Bill Telford, Page D-4) - **M** - *Clarification of reserved uses subject to overlay zones.*

(f) Reserved Uses Subject to Overlay Zones Restrictions

An owner of a property may not reserve a use from their 1938 or 1965 Zoning designation if such use is prohibited by any existing overlay zone on that property.

35-D101 General

(John Jacks, RID 027) - **S** - *Allowances for conversion of use allowed prior to UDC conversion date.*

(g) Multi-tenant uses

Business parks, multi-tenant buildings (with two (2) or more business tenants), shopping centers and/or regional malls that obtained their first development permit prior to February 4, 2002 shall be entitled to continue and/or incorporate into the business park, multi-tenant building (with two (2) or more business tenants), shopping centers and/or regional malls all uses previously allowed under the property's zoning classification prior to February 4, 2002. This provision does not provide for the expansion of the building or buildings housing such uses but allows for exterior maintenance, interior finish out and applications for Certificates of Occupancy for such uses. Should a multi-tenant use undergo a zoning reclassification by public hearing after February 4, 2002 this provision would no longer apply.

(h) Legally existing manufactured homes (Staff generated)

Manufactured homes legally existing on a lot at the date of conversion (February 4, 2002) may be replaced with a newer HUD approved manufactured home.